

**STATE OF MICHIGAN
IN THE SUPREME COURT**

GRANT BAUSERMAN, KARL
WILLIAMS, And TEDDY BROE,
individually and on behalf of a class of
similarly-situated persons,

Supreme Court No. 156389
Court of Appeals No. 333181

Plaintiffs-Appellants,
v.

Court of Claims No. 15-000202-MM
Hon. Cynthia Diane Stephens

STATE OF MICHIGAN UNEMPLOYMENT
INSURANCE AGENCY,

Defendant-Appellee.

**CORRECTED SUPPLEMENTAL BRIEF IN SUPPORT OF
PLAINTIFFS-APPELLANTS' APPLICATION FOR LEAVE TO APPEAL**

ORAL ARGUMENT REQUESTED

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BASIS FOR SUPPLEMENTAL BRIEF

Plaintiffs-Appellants filed an application for leave to appeal in this Court on August 29, 2017. The subject of the application is the Michigan Court of Appeals' decision holding that unemployment claimants whose property is seized by the state must file their due process claims within six months "of the date that [the state] notified them of their alleged fraudulent conduct, and the impact it would have on their unemployment benefits." (Court of Appeals Opinion, Appendix 61a). Based on this holding, the Court of Appeals reversed a decision of the Michigan Court of Claims, which denied the motion for summary disposition filed by the defendants-appellees. (Court of Appeals Opinion, Appendix 63a).¹

On April 6, 2018, this Court issued an order directing the parties to file supplemental briefs addressing whether the happening of the event giving rise to plaintiffs' cause of action for the deprivation of property without due process occurred when the defendant issued its allegedly wrongful notice of redetermination, or when the defendant actually seized the plaintiffs' property. The Court ordered the parties should not submit mere restatements of their application papers and

¹ The basis for the Court of Claims' decision was its holding that the plaintiffs' claims accrued after the defendant actually seized their property and the defendant issued a redetermination to correct the erroneous deprivations. (Court of Claims Opinion and Order Denying Summary Disposition, Appendix 47a – 49a).

directed the Clerk to schedule oral argument on whether to grant the application or take other action.

This brief is the plaintiffs' supplemental brief filed pursuant to the Court's April 6, 2018 order. For the reasons set forth below, the controlling authorities, specifically MCL 600.6431, MCL 600.5827, and this Court's decision in *Frank v Linkner*, 500 Mich 133, 149-153 (2017), establish the event giving rise to the cause of action occurred when the defendant actually seized the plaintiffs' property.

In lieu of granting leave to appeal, the Court should hold that the plaintiffs' cause of action for the deprivation of property without due process occurred when the defendant actually seized the plaintiffs' property, and that the Court of Appeals erred in holding that the happening of the event giving rise to plaintiffs' cause of action occurred when the defendant issued its allegedly wrongful notice of redetermination. In the alternative, the Court should grant the plaintiffs' application for leave to appeal, reverse the Court of Appeals' July 18, 2017 order reversing the denial of summary disposition, and remand the case to the Court of Claims.

SUPPLEMENTAL STATEMENT OF QUESTION PRESENTED

1. Whether the happening of the event giving rise to appellants' cause of action for the deprivation of property without due process occurred when the appellee issued its allegedly wrongful notice of redetermination, or when the appellee actually seized the appellants' property.

Plaintiffs-appellants answer that the happening of the event giving rise to their cause of action occurred when the defendant actually seized the plaintiffs' property.

Defendant-appellee answers that the happening of the event giving rise to the plaintiffs' cause of action occurred when the defendant issued its allegedly wrongful notice of redetermination.

STATEMENT OF FACTS

Plaintiffs-appellants incorporate by reference the statement of facts set forth in their application for leave to appeal.

I – INTRODUCTION

The legal wrong at issue in this case is the deprivation of the plaintiffs' property by the defendant without due process, in violation of Article 1, Section 17 of the Michigan Constitution. It is undisputed plaintiffs filed this action within six-months of when the defendant actually seized their property. The filing of the action was timely under the plain language of the Court of Claims Act, MCL 600.6431(3), which requires filing "within 6 months following the happening of the event giving rise to the cause of action." MCL 600.6431(3). The filing was also timely under the plain language of MCL 600.5827, which this Court recently construed in *Frank v. Linkner*, 500 Mich 133; 894 NW2d 574 (May 15, 2017). "To determine when the plaintiffs' actions...accrued, this Court must determine the date on which plaintiffs first incurred the harms they assert." *Frank*, 894 NW2d at 584. "The relevant 'harms' for that purpose are the actionable harms alleged in a plaintiff's cause of action." *Id.*

Here, the plaintiffs' cause of action is a violation of the due process clause of the Michigan Constitution, Const. 1963, Art. 1, §17, which states: "No person shall be...deprived of... property, without due process of law." Const. 1963, Art. 1, §17. Thus, because the plaintiffs challenge the deprivation of their property, the actionable harm alleged in the plaintiffs' cause of action is the actual seizure of the

plaintiffs' property by the defendant. The Court of Appeals erred in holding that the cause of action accrued before any actual deprivation of property occurred.

Plaintiffs request that in lieu of granting leave to appeal, the Court should hold that the Court of Appeals erred in holding that the happening of the event giving rise to plaintiffs' cause of action for the deprivation of property without due process occurred when the defendant issued its allegedly wrongful notice of redetermination, rather than when the defendant actually seized the plaintiffs' property. In the alternative, the Court should grant plaintiffs' Application for Leave to Appeal, reverse the Court of Appeals' July 18, 2017 order reversing the denial of summary disposition, and remand this matter to the Court of Claims.

II - STANDARD OF REVIEW

This case raises an issue of statutory interpretation, which this Court reviews de novo. *Aroma Wines & Equip, Inc v Columbian Distrib Servs, Inc*, 497 Mich 337, 345; 871 NW2d 136 (2015). The Court therefore reviews the issue independently, without any required deference to the lower courts. *Millar v Construction Code Authority*, ___ Mich ___, ___; ___ NW2d ___ (2018)(Docket No. 154437); slip op at 4.

III - ARGUMENT

I. THE HAPPENING OF THE EVENT GIVING RISE TO THE PLAINTIFFS' CAUSE OF ACTION OCCURRED WHEN THE DEFENDANT ACTUALLY SEIZED THE PLAINTIFFS' PROPERTY.

This case presents a question of statutory interpretation: When did the plaintiffs' due process claim accrue for purposes of starting the notice clock under the Court of Claims Act, MCL 600.6431(3)?

Plaintiffs' claim accrued when the defendant actually seized the plaintiffs' property. This conclusion is based on four primary sources of controlling law: (1) the notice provisions of the Court of Claims Act, MCL 600.6431(3); (2) the accrual provisions of the Revised Judicature Act, including MCL 600.5827; (3) this Court's decision in *Frank v. Linkner*, 500 Mich 133 (2017); and (4) the text of the due process clause, Const. 1963, Art. 1, §17. This conclusion is further supported by recent holdings in analogous cases by this Court and the United States Court of Appeals for the Sixth Circuit.

A. The text of the applicable statutes – MCL 600.6431(3) and MCL 600.5827 – compels the conclusion that the plaintiffs' claim accrued when the defendant actually seized the plaintiffs' property.

1. Court of Claims Act, MCL 600.6431

The text of the applicable statutes compels the conclusion that the event giving rise to the plaintiffs' cause of action occurred when the defendant actually seized the

plaintiffs' property. The notice provision of the Court of Claims Act, MCL 600.6431(3), provides:

In all actions for property damage or personal injuries, claimant shall file with the clerk of the court of claims a notice of intention to file a claim or the claim itself within 6 months following the happening of the event giving rise to the cause of action.

MCL 600.6431(3).

The Court of Claims Act further provides that "the provisions of the [Revised Judicature Act] Chapter 58 [MCL 600.5801, et seq.], relative to the limitation of actions, shall also be applicable to the limitations prescribed in this section." MCL 600.6452(2).

2. Revised Judicature Act, MCL 500.5827

The relevant section of the Revised Judicature Act, MCL 600.5827, provides: "the claim accrues at the time the wrong upon which the claim is based was done regardless of the time when damage results." MCL 600.5827.

3. *Frank v Linkner*, 500 Mich 133 (2017)

This Court recently construed the meaning of MCL 600.5827 in *Frank v Linkner*, 500 Mich 133 (2017), holding that the term "wrong" as used in the statute "specified the date on which the defendant's breach harmed the plaintiff, as opposed to the date on which the defendant breached his duty." *Frank*, 500 Mich 133; 894 NW2d 574, 582 (May 15, 2017) (quoting *Moll v Abbott Lab*, 444 Mich 1, 12; 506 NW2d 816, 822 (1993)). "To determine when the plaintiffs' actions...accrued, this

Court must determine the date on which plaintiffs first incurred the harms they assert.” *Frank*, 894 NW2d at 584. “The relevant ‘harms’ for that purpose are the actionable harms alleged in a plaintiff’s cause of action.” *Id.*

Taken together, these sources of law – the Court of Claims Act, Revised Judicature Act, and *Frank v Linkner* – compel the conclusion that the plaintiffs’ cause of action accrued when the defendant actually seized the plaintiffs’ property. In *Frank*, the plaintiff’s cause of action arose under the shareholder oppression sections of MCL 450.4515. To determine when that specific cause of action accrued, this Court first analyzed what actionable harms were raised under the statute. *Id.* The statute itself identified the actionable harm as “substantial[]interfer[ence] with the interests of a member as a member.” *Id.* at 585. The relevant “harm” therefore occurred upon an act of prohibited shareholder interference, with or without actual damage to the member. *Frank*, 894 NW2d at 584. Thus, the statute of limitations began to run only when the act of substantial interference had occurred. *Id.* Focusing only on the specific cause of action at issue, this Court carefully distinguished the member oppression claim at issue from claims for other personal injuries, such as “tortious injury to a person,” which typically accrue when a party incurs an actual injury. *Id.* at 585.

In *Frank*, this court applied MCL 600.5827 to a claim of shareholder oppression, and therefore decided the accrual issue by looking to the specific harm

raised by the plaintiffs' claim under MCL 450.4515. In this case, the Court must apply MCL 600.5827 to a claim for wrongful deprivation of property without due process. It must therefore decide the accrual issue by looking to the specific actionable harm raised by the plaintiffs' claim under the due process clause, Const. 1963, Art. 1, §17.

B. The cause of action at issue in this case is a violation of the due process clause of the Michigan Constitution, Const. 1963, Art. 1, §17, the text of which guides this Court's determination of when the appellants' claims accrued.

The appellants' cause of action is an action for damages based on the deprivation of property without due process. The accrual date, ie, the happening of the event giving rise to the cause of action, must be determined with reference to that specific claim. *Frank*, 894 NW2d at 584; *see also* MCL 600.5869 ("All actions and rights shall be governed and determined according to the law under which the right accrued."). The due process clause is unambiguous. It states: "No person shall be...deprived of... property, without due process of law." Const. 1963, Art. 1, §17.

"[W]hen interpreting the language of the constitution, unambiguous terms are given their plain meaning." *Musselman v Governor*, 448 Mich 503, 526; 533 NW2d 237(1995)(Riley, J., concurring in part and dissenting in part). The core prohibition of the due process clause is "the prohibition against the deprivation of property without due process[.]" *Fuentes v Shevin*, 407 US 67, 81; 92 S Ct 1983; 32 L Ed 2d 556 (1972).

The Court of Appeals' opinion distorts the unambiguous language of the due process clause. In holding that a due process claim accrues upon the issuance of a notice of redetermination, and not upon a deprivation of property, the Court of Appeals reasoned:

Specifically, the 'actionable harm' in a due process challenge consists of the actions allegedly taken by defendant that deprived plaintiffs of their right to notice and an opportunity to be heard, and occurred on the date defendant issued notices informing plaintiffs of their alleged fraudulent conduct.

Ex. 1, Court of Appeals Op., p. 10.

The Court of Appeals distorted the plain language of the due process clause by substituting the words "right to notice and an opportunity to be heard" for the word "property." The due process clause states: "No person shall be...deprived of...property, without due process of law." Const. Art. 1 §17. It does not state that "no person shall be deprived of notice and an opportunity to be heard." In *Carey v Piphus*, 435 US 247; 98 S Ct 1042; 55 L Ed 2d 252 (1978) the United States Supreme Court recognized that a claim for denial of procedural due process without actual damages is actionable for *nominal damages*, without proof of injury. The Court remanded the case ordering the District Court to determine whether the plaintiffs' substantive rights had been infringed (for which plaintiffs would be entitled to actual damages) or whether the plaintiffs had suffered only the denial of procedural due process (for which plaintiffs would be entitled to nominal damages). Thus, a lack of

notice and an opportunity to be heard are elements of a claim of wrongful deprivation of property, but they are insufficient, in and of themselves, to constitute the “actionable harm” of a deprivation of property. To hold otherwise, as the Court of Appeals did, is to ignore the unambiguous language of the controlling constitutional provision.

The Court of Appeals essentially rewrote plaintiffs’ complaint, exchanging a procedural due process theory for the substantive due process claim that plaintiffs actually plead. Plaintiffs are the “master of the complaint.” *Holmes Group, Inc v Vornado Air Circulation Systems, Inc*, 535 US 826, 831; 122 S Ct 1889; 153 L Ed 2d 13 (2002). Arguably, Plaintiffs could have pursued this action alleging a procedural due process violation after the issuance of a redetermination, but before any actual seizure of property. They could have pursued a *Carey v Piphus* style claim in federal court. *Carey v Piphus*, 435 US 247; 98 S Ct 1042; 55 L Ed 2d 252 (1978). They did not. Plaintiffs’ carefully crafted, well-pleaded complaint alleges that their property was seized without due process.

This Court should hold that the Court of Appeals erred by misconstruing the text of the due process clause in determining when the appellants’ cause of action accrued and should therefore reverse the Court of Appeals’ judgment.

- C. Recent decisions in analogous cases - *Millar v Construction Code Authority*, ___ Mich ___, ___; ___ NW2d ___ (2018)(Docket No. 154437) and *Herr v US Forest Service*, 803 F3d 809, 818 (CA 6 2015) – further support the conclusion that the plaintiff’s cause of action accrued when the defendant actually seized the plaintiff’s property.

1. *Millar v Construction Code Authority*

Recently, in *Millar v Construction Code Authority*, ___ Mich ___, ___; ___ NW2d ___ (2018)(Docket No. 154437), this Court held that the limitations period in the Whistleblowers’ Protection Act begins running when the employer takes action to effectuate the termination of the plaintiff’s work assignments, and not when the employer makes the decision to terminate the work assignments. *Millar*, slip op at 1-2.

In *Millar*, the plaintiff worked as an inspector for the Construction Code Authority, who in turn furnished services to Imlay City and Elba Township. *Millar*, slip op at 3. On March 11 and March 20, 2014, the city and township wrote letters to the CCA directing it to revoke the plaintiff’s authority to work in their jurisdictions. *Id.* On March 27, 2014, the CCA drafted a letter to plaintiff terminating his inspection services within the city and township. *Id.* The CCA gave the letter to the plaintiff on March 31, 2014, thus effectuating the curtailment of his duties. *Id.* The applicable statute of limitations required the plaintiff to file a civil action “within 90 days after the occurrence of the alleged violation of this act.” *Millar*, slip op at 5. It was undisputed the plaintiff filed his case within 90 days of

March 31, 2014, when the CCA effectuated the decision, but not within 90 days of the earlier letters directing he be terminated. *Id.* The question therefore was “what constitutes ‘the occurrence of the alleged violation of this act’ that triggers the running of the statutory limitations period.” *Id.*

This Court held the “occurrence” triggering the running of the limitations period was when the employer took concrete action to curtail the plaintiff’s job responsibilities, even if the employer had taken some earlier actions in furtherance of that action. *Millar*, slip op at 6. The Court held that the Court of Appeals erred in concluding that the actionable wrong occurred earlier, either when the city and township wrote their letters to the CCA directing it to revoke the plaintiff’s authority or when the CCA drafted its letter to the plaintiff carrying out those directions. *Id.*

In so holding, this Court held:

At the time each letter was written, the plaintiff had no actionable WPA claim because no allegedly discriminatory action had occurred; the defendants *intended* to curtail the plaintiff’s employment responsibilities, but had not taken any action to implement that intent. It was not until that intent was effectuated on March 31, 2014, that the actionable “wrong” occurred and triggered the running of the 90-day limitations period in MCL 15.363(1).

Millar, slip op at 6-7.

This Court’s holding in *Millar* is applicable here and requires the conclusion that the plaintiff’s claims accrued when the defendant actually seized their property. First, in *Millar*, this Court construed the applicable provision of the Revised

Judicature Act, MCL 600.5827, which “tie[s] the running of the statutory limitations period to the actionable wrong[.]” *Millar*, slip op at 5 and n. 6. In this case, therefore, the statutory notice period of the Court of Claims Act is tied to the actionable wrong, which under Const. 1963, Art. 1, §17 is the deprivation of property without due process.

Applying the reasoning of *Millar*, the plaintiff’s claim for deprivation of property without due process occurred when the defendant took concrete action to seize the plaintiff’s property, even if the earlier issuance of a redetermination constituted a step in furtherance of that actual deprivation. In other words, the defendant effectuated a deprivation when it seized plaintiffs’ property, even if it expressed an intention to take action earlier.

Second, in *Millar*, this Court focused only on the specific claim at issue, which required a focus on the specific adverse employment action taken against the plaintiff. *Millar*, slip op at 6-7. *Millar*’s claim therefore accrued when his employer took the specific adverse action at issue. The accrual date for *Millar* differed from the accrual dates for other types of discriminatory actions, such as harassment and discrimination not involving any termination of job duties or discharge. *Id.* Likewise, here, the plaintiffs’ claim is based on the occurrence of a specific wrongful action – the seizure of their property without due process. (First Amended Complaint, ¶ 164, Appendix 32a-33a). Plaintiffs’ claim for wrongful deprivation of

property thus accrued with the occurrence of an actual deprivation of property, and not with the occurrence of an earlier administrative step, the issuance of a redetermination.

2. *Herr v US Forest Service*

In another analogous case, *Herr v US Forest Service*, 803 F3d 809, 818 (CA 6 2015), the United States Court of Appeals for the Sixth Circuit had to decide when the period for bringing a claim against the United States under the Administrative Procedures Act began to run. In *Herr*, the plaintiffs purchased lakefront property in 2010. In their lawsuit, they alleged that an order issued by the Forest Service in 2007 invaded their state-law property right to use a gas-powered motorboat on the lake. *Herr*, 803 F3d at 819. The plaintiffs argued that the six-year limitations period began to run in 2010, when they purchased the property, because that is when, as property owners, they were “aggrieved” by the Forest Service’s invasion of their property rights. *Id.* On the other side, the Forest Service urged a construction of the statute of limitations that is nearly identical to the one urged by the defendant in this case. Specifically, the Forest Service argued “that a right of action under the APA accrues upon final agency action regardless of whether that action aggrieved the plaintiff.” *Id.*

The Sixth Circuit rejected the government’s position and held that the plaintiffs’ cause of action accrued only when all prerequisites for the statutory claim

had occurred. The plaintiffs' claim against the Forest Service therefore accrued, and the filing clock began to run, only after the plaintiffs were actually aggrieved, as property owners, by a final agency action. *Herr*, 803 F3d at 818. In reaching this conclusion, the Sixth Circuit analyzed several core principles of claim accrual that have bearing on the issue presented here.

First, the general rule is that "a statute of limitations begins to run...when the plaintiff can file suit and obtain relief...for the injury upon which [plaintiff's] action is based[.]" *Herr*, 803 F3d at 818 (CA 6 2015)(citations omitted).

Second, the claim at issue in *Herr* involved a scenario in which the agency issued a final action that resulted in an actionable legal wrong several years later, when the agency order actually impacted the plaintiffs' property rights. The Sixth Circuit thus distinguished cases involving "settings in which the right of action happened to accrue at the same time that final agency action occurred, because the plaintiff either became aggrieved at that time or had already been injured." *Herr*, 803 F3d at 819-20. By contrast, claims do not accrue at the time of initial agency action "when...the party does not suffer any injury until *after* the agency's final action." *Herr*, 803 F3d at 820(citation omitted)(emphasis in original).

Third, even if an earlier agency action harmed the plaintiffs in some way, that harm did not give rise to the specific cause of action raised in their complaint, and the statute of limitations was not triggered until the specific right of action accrued.

“A ‘right of action’...is ‘a legal right to maintain an action, growing out of a *given transaction or state of facts and based thereon.*” *Herr*, 803 F3d at 820 (quoting *Black’s Law Dictionary* 1560(3d ed 1933)(emphasis in original). “Such a right arises from a fact pattern that demonstrates a specific ‘legal wrong’ – ‘an act authoritatively prohibited by a rule of law.’” *Id* (quoting *Black’s Law Dictionary* 1849 (10th ed 2014).

Fourth, even if the plaintiffs could bring a due process claim based upon an earlier agency action, such as the issuance of a redetermination, that would not preclude the filing of an independent claim upon the actual seizure of their property by appellee. “Different legal wrongs give rise to different rights of action.” *Herr*, 803 F3d at 820 (citations omitted). “That is so even if the different *legal* wrongs stem from the same order.” *Id* (emphasis in original)(citation omitted).

Applying those principles here, the plaintiffs did not suffer the actionable injury giving rise to their cause of action until the defendant’s decision actually resulted in a seizure of their property. Even if the plaintiffs had “*some* right of action to remedy *some* legal wrong” related to the UIA’s issuance of a redetermination, “they could not have had *this* right of action to remedy *this* legal wrong” until the state actually deprived them of property in violation of Article 1, §17 of the Michigan Constitution. *See Herr*, 803 F3d at 820(applying same analysis to the plaintiff’s due process claims against the Forest Service).

Here, the Court of Appeals' construction of MCL 600.6431(3) fails to account for the nature of the plaintiffs' cause of action, which specifically challenges a wrongful deprivation of property without due process in violation of Article 1, Section 17 of the Michigan Constitution. To be clear, in this case, it is possible the UIA committed two legal wrongs against plaintiffs. The first legal wrong occurred when the UIA failed to notify appellants and provide them a hearing before issuing a redetermination that they were disqualified from benefits based on a false fraud finding. Plaintiffs acknowledge that the deprivation of notice and a hearing is an administrative step in furtherance of a deprivation of property without due process. But the deprivation of notice and a hearing is not, in and of itself, the event giving rise to "the cause of action" for wrongful deprivation of property. The Court of Appeals erred in holding that the issuance of a redetermination, without any actual deprivation of property, was the "happening of the event giving rise to the cause of action."

Frank, Herr, and Millar all hold that different claims give rise to different accrual points. Thus, assuming the Court of Appeals' decision here has any validity, it is limited to holding that the accrual point for a claim seeking nominal damages under *Carey*² might have occurred when the Agency issued a redetermination. That

² In *Carey v Phipus*, 435 US 247; 98 S Ct 1042; 55 L Ed 2d 252 (1978), the plaintiffs alleged they suffered damages when they were suspended from school without due process. The Court held that the denial of procedural due process is actionable for

might be proper in a case filed after the redetermination, but before a seizure, because the constitutional violation *at that time* involved a deprivation of process, but not of property. Indeed, if the plaintiffs had sued after the issuance of the redetermination, they would have been limited to nominal damages because the agency had not deprived them of their property.

Unlike a claim for nominal damages, a claim for actual damages based on a deprivation of property accrues at a different time, specifically, when the actual deprivation or seizure occurs. That is the nature of the claim presented in this case, and it is why plaintiffs' claim for actual damages, based on an actual seizure, did not accrue until the actual seizure occurred.

IV - CONCLUSION

The question in this case is whether the happening of the event giving rise to the plaintiffs' cause of action for the deprivation of property without due process occurred when the defendant issued its allegedly wrongful notice of redetermination, or when the appellee actually seized the appellants' property? The answer is provided by the plain language of MCL 600.6431(3) and MCL 600.5827, and by this Court's holding in *Frank v. Linkner*, 500 Mich 133, 149-153(2017). These

nominal damages without proof of actual injury. The Court remanded the case to the District Court holding that plaintiffs would be entitled to recover nominal damages not to exceed one dollar, if their suspensions were upheld. Thus, in cases where there are no actual damages, a violation of procedural due process results in a nominal damage award.

authorities, taken together, establish that the event giving rise to the cause of action occurred when the defendant actually seized the plaintiffs' property.

For the reasons set forth in the plaintiffs' application and this supplemental brief, the Court should hold that the Court of Appeals erred in holding that the happening of the event giving rise to plaintiffs' cause of action for the deprivation of property without due process occurred when the defendant issued its allegedly wrongful notice of redetermination, rather than when the defendant actually seized the plaintiffs' property. In the alternative, the Court should grant plaintiffs' application for leave to appeal, reverse the Court of Appeals' July 18, 2017 order reversing the denial of summary disposition, and remand this matter to the Court of Claims.

Respectfully submitted,

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Dated: April 23, 2018

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On April 23, 2018, I mailed and e-mailed one copy of Plaintiffs-Appellants'

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I declare that the statements above are true to the best of my knowledge,
information and belief.

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